IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.2842 OF 1997

For Approval and Signature:

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VALJIBHAI MAGANBHAI SALVI

Versus

MANAGING DIRECTOR,
GUJARAT WATER RESOURCES DEVELOPMENT CORPORATION LTD.

Appearance:
1. Special Civil Application No. 2842 of 1997
PARTY-IN-PERSON for Petitioner
MR. PARESH UPADHYAY for Respondent

CORAM : HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 10/03/2004

ORAL JUDGEMENT

1. The present petition is filed by the petitioner, appearing as party-in-person, for the relief that the order of the respondent, Gujarat Water Resources Development Corporation Ltd. (hereinafter referred to as "GWRDC" for short) granting deemed date to the petitioner

be quashed and the respondent be directed to give the deemed date prior to that of Mr.K.T.Patel, who was granted promotion on 29th April, 1978. It is also prayed in the alternative that in case, at the end of the arguments, if the Court is of the opinion that deemed date prior to that of 29th April, 1978 cannot be ordered, then, the respondent be directed to give deemed date of 17th January, 1979 i.e. the date on which the respondent itself recommended the case of the petitioner for promotion to the post of Deputy Executive Engineer vide letter at Annexure-4 to the petition.

2. For the reasons, which are recorded in Special Civil Application No.1041 of 1998, the petitioner is rightly granted the deemed date of 18th May, 1981 as is observed in judgement dated 26th April, 1996. The case of the petitioner is required to be considered from the date when his juniors were given promotion i.e. 25th May, 1981 or 22nd May, 1981 or 18th May, 1981.

3. Mr.Paresh Upadhyay, learned Advocate appearing for the respondent-GWRDC, submitted that promotions to the post of Deputy Executive Engineer were to be in the ratio of 7:4:1 i.e. seven degree holders, four diploma holders and one from other than the degree and diploma holders, that is, one, who is neither holding degree nor diploma. Mr.Upadhyay further submitted that Mr.K.T.Patel was the first Assistant Engineer holding the qualification of Degree, while the petitioner was the first Assistant Engineer holding the qualification of Diploma. That being so, he submitted that there was no question of putting the petitioner at par with Mr.K.T.Patel.

4. The petitioner, party-in-person, submitted that the ratio was not to be maintained in the manner suggested by the learned Advocate for the respondent. He submitted that the ratio was to be maintained on the basis of the persons actually promoted.

5. Be that as it may. No further discussion is warranted in light of the fact that the respondent-GWRDC has complied with the directions issued by this Court for giving deemed date of promotion. The present petition, seeking correction of the deemed date of promotion, is not found with any merit. It will not be out of place to mention that the respondent-GWRDC has granted indulgence in view of the directions given by this Court considering the case of the petitioner from the date of his initial appointment i.e. 9th July, 1964. That being so, when the petitioner is already granted the deemed date of

promotion that of the junior of the petitioner i.e. 18th May, 1981, no further relief can be granted to the petitioner. Hence, this petition is dismissed. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)

kamlesh*